

**Johnathan E. Mansfield, Bar, No. 05539**

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Attorneys for Plaintiffs, TNW Firearms, Inc.  
and Timothy S. Bero

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**TNW FIREARMS, INC.**, an Oregon  
Corporation, and **TIMOTHY S. BERO**, an  
**individual**,

Plaintiff,

vs.

**TACTICAL MANUFACTURING, INC.**,  
a dissolved Oregon Corporation,

Defendant.

No. 10-cv-01245-AC

**PLAINTIFFS' RESPONSE TO SCOTT  
KOLLER'S MOTION(S) FOR  
APPOINTMENT OF COUNSEL**

**I. Mr. Koller is not entitled to counsel in this matter, and his motion(s) should be denied.**

Scott Koller, owner of defendant Tactical Manufacturing, Inc., has filed the following papers with the Court:

- Motion to Appoint Of Counsel, filed November 8, 2010;
- Motion for Appointment of Pro Bono Counsel and Application to Proceed in

District Court without Prepaying Fees or Costs, filed November 10, 2010.

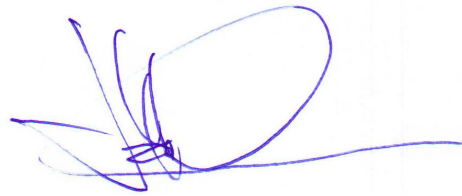
Mr. Koller is not himself a defendant in this case and as a non-party is not entitled to counsel, whether retained or appointed. The Local Rules of this Court provide that a corporate defendant, such as Tactical Manufacturing, Inc., may appear or act only through an attorney, unless otherwise permitted by law or Court order. LR 83-9(b). Because Mr. Koller is not an attorney, he may not appear on behalf of Tactical Manufacturing, Inc. Nor is counsel aware of any law entitling Tactical Manufacturing, Inc. to have counsel appointed for it.

Plaintiffs respectfully request that this Court deny Mr. Koller's motions(s) for appointment of counsel.

Dated this 22<sup>nd</sup> day of November, 2010.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.



By:

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Johnathan E. Mansfield, OSB #055390  
Telephone 503.222.9981  
Of Attorneys for Plaintiffs

Trial Attorney: Johnathan E. Mansfield

**CERTIFICATE OF SERVICE**

I am a resident of the State of Oregon, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is 1211 SW Fifth Avenue, Suite 1900, Portland, Oregon, 97204. On the date listed below, I served the following document titled: PLAINTIFFS' RESPONSE TO SCOTT KOLLER'S MOTIONS FOR APPOINTMENT OF COUNSEL, in the manner indicated:

☒ by placing the document listed above in a sealed envelope to the address set forth below with first class postage thereon fully prepaid and deposited said envelope with the United States Postal Service on the same date set out below.

Tactical Manufacturing, Inc.  
c/o Scott W. Koller  
57319 Hazen Rd.  
Warren, OR 97053

Defendant

**VIA U.S. MAIL**

I declare under penalty of perjury that the above is true and correct.

Executed November 22, 2010, at Portland, Oregon.

s/ Johnathan E. Mansfield

Johnathan E. Mansfield